

**REMARKS**

This is in response to the office action dated October 9, 2002. Reconsideration is requested.

Claims 1, 3-11, 21-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,884,032 (Bateman et al.) in view of U.S. Patent No. 4,052,570 (Sutton).

Claims 12-20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,8784,032 (Bateman et al.) in view of U.S. Patent No. 4,052,570 (Sutton) and further in view of U.S. Patent No. 5,214,688 (Szlam et al.).

None of the cited references discloses or suggests a system for providing an automatic telephone call back from a request transmitted over a data path from a data terminal located at a first location, said request including call back data including at least a telephone number to be dialed in which the system includes an "automated dialer system" and "means for causing said automated dialer system" (or its subparts (see claim 13)) ... "to substantially immediately dial said telephone number to be dialed and for substantially immediately and continuously redialing said telephone number to be dialed each time said telephone number dialer detects a busy signal."

Nor do any of the cited references disclose a method for providing a telephone call back from a request made by an inquiring party at a remote location, wherein said request includes call back data transmitted over a data path from a terminal at said remote location, said call back data including at least a telephone number to be dialed, wherein the method includes the step of "automatically dialing each of said telephone numbers as scheduled over a telephone line using a predictive dialer and continuously redialing any of said telephone numbers each time a busy signal is detected."

The only reference cited for repetitive call back is Sutton. Szlam does not disclose this feature and the examiner at page 3 of the action expressly agrees that Bateman et al. also does not teach this feature.

Sutton also does not teach this feature. Sutton does not continuously redial each time after a busy signal is detected. Sutton redials only until a party answers or until a set number of busy signal detections/redialing attempts have been made (see Abstract, FIG. 2, and col. 9, lines 5-13).

Even, assuming arguendo, that Sutton discloses continuous redial each time a busy signal is detected, there is no suggestion

to combine Sutton with Bateman et al.

First, Bateman et al. has no need for continuous redial. In Bateman et al., the user specifies and inputs a time to be called back (see col. 6, lines 14-30). The user, knowing when he can expect a call back, presumably would not be on the phone or be using a modem equipped computer which utilizes the phone line. Thus, the Bateman et al. system, which allows this specified user input call back time, should expect a free line upon call back and thus not require any continuous redial features.

Second, the redial feature of Sutton is part of or attached to a single telephone set (see Summary, col. 2, lines 10-38) for use by a single caller. This is much different than the claimed system and method of the present invention which are responsive to a user request and requires an automated dialer system for a) processing many simultaneous calls as an outbound telephone call campaign (claim 1), or b) which includes a predictive dialer which connects an answered call to an available agent of a pool of agents (claims 13 and 22) in response to a request. The caller of Sutton initiates calls on his own initiative and not in response to any requests. Since the caller using the Sutton system is calling parties who have not requested a call back, this feature

is important because the called party may remain on the phone for indefinite lengths of time unaware they are being called. This is quite different from the claimed system and method of the present invention.


For all the above reasons, claims 1 and 3-28 are patentable over the cited prior art. Allowance thereof is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE." The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

In re: Malcom B. Strandberg  
Filed: September 28, 1998  
Serial No.: 09/161,816  
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Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 13, and 22 have been amended as follows:

1. (Twice amended) A system for providing an automatic telephone call back from a request transmitted over a data path from a data terminal located at a first location, said request including call back data including at least a telephone number to be dialed, said system comprising:

a data path interface, coupled to said data path, for receiving said request over said data path, for identifying said call back data, and for placing said call back data into at least one call record store; and

an automated dialer system, located at a second location remote from said first location and coupled to said data path interface, and responsive to said at least one call record store, for automatically retrieving telephone numbers to be dialed from said call record store, and for processing said telephone numbers as an outbound telephone call campaign;

means for causing said automated dialer system to substantially immediately redial said telephone number to be dialed and for substantially immediately and continuously

redialing said telephone number to be redialed ifeach time said telephone number dialer detects a busy signal;

wherein said data path may be established using any of a direct data path, a global computer network, or a telephone network.

13. (Twice Amended) A system for providing a telephone call back from a request transmitted over a global computer network from a data terminal located at a remote location, said request including call back data including at least a telephone number to be called, said system comprising:

a data path interface, connected to said global computer network, for interfacing with said global computer network and receiving said request over said global computer, for identifying said call back data, and for storing said call back data including said at least one telephone number in a call record store; and

an automated dialer system, responsive to said call record store, for retrieving said telephone numbers in said call record store and automatically calling said telephone numbers, said automated dialer system including:

a call scheduler, for ordering and scheduling said

telephone numbers; and

a predictive dialer, responsive to said ordered telephone numbers, for initiating dialing of each of said ordered telephone numbers as scheduled, and for connecting an answered call to a telephone of an available agent of a pool of agents coupled to said automated dialer system; and

means for causing said call scheduler and predictive dialer to substantially immediately redial said telephone number to be dialed and for substantially immediately and continuously redialing said telephone number to be redialed if each time said telephone number dialer detects a busy signal.

22. (Twice Amended) A method for providing a telephone call back from a request made by an inquiring party at a remote location, wherein said request includes call back data transmitted over a data path from a terminal at said remote location, said call back data including at least a telephone number to be dialed, said method comprising the steps of:

receiving said request transmitted from said terminal at said remote location;



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identifying said call back data including at least one telephone number to be dialed;

placing said call back data into a call record store;

retrieving telephone numbers to be dialed from said call record store;

scheduling said telephone numbers to be dialed substantially immediately;

automatically dialing each of said telephone numbers as scheduled over a telephone line using a predictive dialer and continuously redialing any of said telephone numbers if each time a busy signal is detected; and

connecting said telephone line to a telephone of an available agent of a pool of agents, if an answer is detected.